



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Eval 001
Ent 001

July 30, 2013

Ms. Barbara A. Browne, Treatment Supervisor
Wastewater Treatment Division / East Section
1600 Gest Street
Cincinnati, Ohio 45204

RE: Notice of Violation – OHD000723437
Little Miami Wastewater Treatment Plan – 225 Wilmer Avenue, Cincinnati

Dear Ms. Browne: *Bd of Cnty CMSNRS - Little Miami WTP*

Thank you for assisting George Strobel and me during the July 17, 2013 compliance inspection. The compliance inspection was a result of the mercury spill that occurred on June 22, 2013. The Little Miami Wastewater Treatment Plant (Little Miami) had removed ten (10) air flow meters and placed them into storage in October 2012. Each meter contained approximately 10 ¼ pounds of mercury. On June 22, 2013, nine (9) of the meters were removed from storage, transported via pick-up truck to the Metropolitan Sewer District (MSD) located at 1600 Gest Street, and then disposed of in a solid waste dumpster. The meters were ultimately taken to Rumpke Sanitary Landfill for final disposal. Mercury was spilled when the meters were loaded into the pick-up truck, during the transportation process, and when disposed of in the dumpster and at the landfill. The remaining one (1) meter was located at Mill Creek and properly containerized to prevent any spillage.

Based on this incident, Little Miami is in violation of the following hazardous waste laws and regulations:

- 1. Ohio Revised Code (ORC) 3734.02(F) states in part:** No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except to a hazardous waste facility operating under a permit issued in accordance with this chapter.
- 2. Ohio Administrative Code (OAC) 3745-52-11 states in part:** Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste.

Little Miami failed to properly evaluate the hazardous waste mercury prior to disposal. Furthermore, Little Miami did not ensure delivery of the hazardous waste to an off-site permitted facility. **Little Miami is in violation of ORC 3734.02(F) and OAC 3745-52-11.**

Clean Harbors has been on-site at Little Miami to clean-up the mercury contamination. The clean-up included the loading dock area and the pick-up truck. At the time of the inspection, four (4) frac tanks and two (2) roll-offs contained mercury contaminated liquid and debris. Little Miami is in the process of evaluating the waste material to determine if any will be hazardous. Once a determination is made, Little Miami is required to comply with all applicable hazardous waste regulations.

On July 23, 2013, I emailed you links to guidance documents on generator requirements, universal waste and used oil. I also included the link to the Division of Materials and Waste Management homepage.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code, and rules promulgated thereunder, may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance.

Failure to list specific deficiencies in this communication does not relieve Little Miami from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Little Miami from liability for any past or present violations of Ohio's hazardous waste laws.

I have enclosed a copy of the checklist completed as a result of the inspection. Should you have any questions, please feel free to contact me at (937) 285-6093 or cathy.altman@epa.ohio.gov.

Sincerely,



Cathy L. Altman
Environmental Specialist II
Division of Materials and Waste Management

CLA/tb

cc: DMWM Data Entry/Facility File

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥ 1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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GENERATOR CLASSIFICATION

2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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TREATMENT OF HAZARDOUS WASTE

4.	Does the generator treat hazardous waste in a:	
	a. Container that meets 3745-66-70 to 3745-66-77?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	c. Drip pads that meet 3745-69-40 to 3745-69-45?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	d. Containment building that meets 3745-256-100 to 3745-256-102?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Little Miami Wastewater Treatment Plant was a conditionally exempt small quantity generator at the time of the inspection. The generator status may change based on the waste evaluation of the mercury clean-up waste.